

This estimated 8 million increase accounts for only future legal immigration caused by the bill. It does not include an estimate for the number of illegal aliens. We are not going to take that to zero, surely. Surely, we will make some progress to reduce illegal immigration, but it is not going to zero.

The CBO estimate for how many in the illegal alien population would benefit from the bill's amnesty provisions is contained in a separate calculation on page 22. On page 22, CBO estimates that 1 million illegal aliens will be adjusted under the AgJOBS provisions, and that two-thirds of the 6 million illegal aliens here for more than 5 years, and 50 percent of the 2 million illegal aliens here between 2 and 5 years, will adjust status under the bill's provisions.

So according to CBO, a total of 6 million illegal immigrants will become legal permanent—permanent—residents under the bill and be placed on an automatic path to citizenship.

Now, the White House, last Thursday, in a press release, entitled "Setting the Record Straight"—OK—wholeheartedly embraced the CBO report and claimed that the 8 million future immigration estimate by CBO is "consistent with most research on immigration issues."

The White House press release also embraced the CBO estimate on the current illegal alien population but stated it a little differently. According to the White House, CBO estimated that about one-third of illegal immigrants eligible for legalization under the bill are unlikely to become legal permanent residents. Therefore, the logical conclusion of this statement is that two-thirds of the eligible illegal alien population will likely become legal permanent residents.

The White House press statement directly implies that the White House does not expect more than two-thirds of the illegal alien population to become legal permanent residents under the bill.

If 10.3 million people have been illegally present for more than 2 years, two-thirds of that number would mean approximately 7 million people now living here illegally will benefit from the amnesty provisions. This estimate—7 million—is 1 million higher than the way CBO lays out the numbers on page 22 of their score.

As the press statement points out, these estimates are much lower than the estimates that Robert Rector or my staff, after extensive review, came up with.

Although I highly doubt we have true numbers from the CBO, I sincerely hope they are accurate, and not mine. It is imperative that the American people, however, be able to trust their Government—particularly those agencies that enforce these laws—when discussing issues such as these. My amendment will adopt the CBO and White House estimates as the realistic result of S. 2611's increases in immigration.

Under the amendment we are offering, the number of green cards that CBO and the White House estimate will be needed will be made available for the adjustment of status provisions and future immigration levels caused by the bill.

First, the amendment limits the number of green cards available under the bill's amnesty provisions to two-thirds of the qualified illegal alien population of about 10.3 million—a total of 7 million green cards.

Second, the amendment limits the increase in future immigration to 8 million above the current level of 10 million over 10 years. Under the amendment, the total number of green cards issued shall not exceed 18 million over any 10-year period, starting with the 2007–2016 10-year period.

Because real numbers of current immigration levels would only reach about 9,500,000 in 10 years, an additional 500,000 green cards are added to the White House's estimate in this amendment.

It is important that we limit the bill's effects to the numbers being used to justify the bill's passage, at least. The American people are much more accepting when they know the numbers we are asking them to believe in. And they are asking us to make sure we tell them truthfully, and that we comply with it. Though I am not in favor of granting amnesty to those who break the law, I believe it is important to hold the administration to its word when enacting a comprehensive reform bill.

My amendment limits the number of illegal aliens who can be granted amnesty under the bill. This limit will in turn limit the potential for fraudulent adjustments of status. It would also say if there were more claiming for green cards under amnesty than projected, and they met all the qualifications, they would get those green cards, but the future flow numbers would be reduced to cover that. Unlike the bill as written, my amendment would allow for a controlled increase in legal migration by placing a cap on the number of green cards that can be issued under the bill's other provisions. The fact is, we cannot admit everyone who wants to come to our country. Unlimited immigration will put a strain on finite resources. Therefore, in addition to properly enforcing our laws and securing our borders, we must put reasonable limits on the number of people who can enter permanently.

Under my amendment, future immigration will be increased by—hold your hat—80 percent, but not as much as the current bill allows, 300 to 500 percent. Eighty percent is too high. We haven't had the evidence to justify that, but I am saying, let's put this up for a vote so when this bill goes through here, we will at least know what the top level is.

This amendment is sensible and responsible. I ask my colleagues to vote for it. Later, I hope to have the oppor-

tunity in the debate—I see others, and I won't utilize any more time—to talk in more detail about the earned-income tax credit amendment, the need to reform in a significant way the unprincipled chain migration provisions of the bill, and the H-2C green cards future flow cap for H-2C green cards to be issued.

I thank my colleagues for their time. I urge each one of us to spend some serious time in analyzing the impact of this hugely important piece of legislation that the American people care about, and rightfully so. It is our responsibility to get it right. We don't want to be back here, as Senator GRASSLEY has done today, and say we have made a mistake in 2006.

I yield the floor.

The PRESIDING OFFICER. The distinguished majority whip.

Mr. McCONNELL. I ask unanimous consent to proceed as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT REQUEST— EXECUTIVE CALENDAR

Mr. McCONNELL. Mr. President, I rise today because five families in Harlan County in the Commonwealth of Kentucky suffered a devastating and tragic loss this past weekend. As many of our colleagues are aware, an explosion rocked the Kentucky Darby Mine No. 1 around 1:30 Saturday morning.

According to news reports, the blast occurred nearly a mile underground near a sealed-off area of the mine. The force of the explosion was so powerful it caused damage over 5,000 feet up at the mine opening.

Five miners were killed. Their families are, of course, completely devastated, and the entire community is struggling for answers in the face of such a catastrophe, an unexpected tragedy that is so overwhelming it breaks your heart and almost leaves you numb.

There is one ray of light in this otherwise very dark episode. One miner, a man named Paul Ledford of Dayhoit, KY, managed to escape the blast. He was injured but reportedly was still able to walk out of the mine on his own two feet. After a short stay in the hospital, he was released, and I am sure his family is thrilled that he survived the catastrophe.

The Darby mine explosion brings this year's total number of deaths from mining accidents in Kentucky to 10, double what it was just 72 hours ago. Thank goodness Paul Ledford's name is not on that list.

But these Kentuckians' names are: Paris Thomas, Jr., 53, of Closplint; George William Petra, 49, of Kenvir; Jimmy B. Lee, 33, of Wallins Creek; Amon "Cotton" Brock, 51, of Closplint; and Roy Middleton, 35, of Evarts. All were lost in this explosion Saturday.

The Harlan County coroner's report indicates that Amon Brock and Jimmy

Lee were killed instantly by the tremendous force of the explosion. The other three survived long enough to put on breathing devices, but still died of carbon monoxide poisoning.

Their loved ones will never forget the last time they saw them before they descended into the mines. Nor will they forget the calamity that, sadly, added their names to this list. Neither should we ever forget them.

The authorities are still investigating the cause of this accident. Some accidents are, unfortunately, entirely unpreventable. But other accidents are all the more horrific because they could have been prevented. When it comes to the second type, this Senate can and must act to prevent them. The list of Kentucky mining deaths is too long already.

I am sure my colleagues, Senator ROCKEFELLER and Senator BYRD, will agree that the list of West Virginia names is too long as well. Every American watched the terrible events at the Sago mine this past January, when 12 miners were killed.

The Senate should act quickly by passing S. 2803, the Mine Improvement and New Emergency Response Act of 2006, of which, I am happy to say, I am a cosponsor.

This measure, drafted by Senators ENZI and KENNEDY, was unanimously reported out of the HELP Committee last week, and the Senate should move expeditiously to pass this legislation. It is the most comprehensive package of miner-safety legislation in a generation. Once it is fully implemented, the brave men and women who descend in the darkness to provide the rest of us with light and heat will have safer working conditions than ever before.

The MINER Act, as it is called, will require mining companies to submit to the Mine Safety and Health Administration, MSHA, up-to-date emergency preparedness and response plans. The plans must be adapted to each individual mine, and MSHA must review and recertify them every 6 months. As conditions change, so must the response plans in order to best protect our miners.

The bill will require the mining companies to put in place state-of-the-art, two-way wireless communications and electronic tracking systems. Mine rescue team response will be both faster and safer.

The bill will require every miner to have at least 2 hours of oxygen on hand and stores of oxygen to be stashed every 30 minutes along escape routes for evacuating miners. Randal McCloy, Jr., the only miner who survived the Sago tragedy, has reported that at least four of his fellow miners' air packs were faulty, leaving the team without enough air.

Given the fact that three of the miners in the Darby mine died with their breathing masks on, it seems the same thing happened yet again in Kentucky this weekend. That is unacceptable and must not be tolerated.

The bill will give the Secretary of Labor new, stronger enforcement powers to ensure the mines are in compliance. The Secretary will have the authority to shut down a mine for failing to meet the Department's orders, and the bill raises penalties significantly for serious violations.

The bill will also clarify that mine safety rescue teams are not liable for any injuries or deaths that may happen due to rescue activities. This is important because up to now, some mining companies have hesitated to have mine rescue teams for fear of being sued. This provision of the bill will ensure the mining companies have the incentive to put a mine rescue team in place.

Finally, the bill will create grant programs to improve safety training, direct studies of safety techniques, and create an interagency group to facilitate the development of new safety technologies and activities.

I understand this may not be the perfect bill. Not everyone has gotten everything in it they want. But it represents the best, most comprehensive approach to this problem in many years. In fact, both the National Mining Association and the United Mine Workers of America have endorsed it. That ought to tell you something right there. These two groups don't agree on things very often, so I am sure my colleagues can see how their agreement is a signal that the MINER Act is the breakthrough that we have been waiting for.

It is too late for us to do anything for the five Kentucky miners who died this Saturday. Right now the healing for their families and that community is happening in Harlan County. I was touched by an article I read today about a memorial service that took place at the Closplint Church of God in Closplint, KY, just 10 miles down the road from the Darby mine. The Rev. Frank Howard led a prayer for the victims' families. He said, "We're a coal community, and we need to lift each other up."

I know the people of Harlan County well. And I am sure of this: They certainly do have the strength to lift each other up in this hour of anguish. And when they need help, they will get it. It will pour in from every corner of Kentucky and beyond.

So we here in the Nation's Capital must also do our part. When this Government acts swiftly and with purpose, we can uplift the fortunes of many who may otherwise be cursed to suffer in despair. By passing this legislation, we can lessen the burden on others who work in the mines and their families by letting them know that we are listening and doing everything we can.

It is my understanding that efforts are underway on both sides to get this legislation cleared, we hope, as soon as tomorrow. But there is one other thing we ought to do. I was looking at the Executive Calendar. I noticed that the MSHA, the Mine Safety and Health Ad-

ministration, is without a Director, and not because the HELP Committee has not acted. On March 8, 2006, the HELP Committee reported out an individual from West Virginia to be Director of the Mine Safety and Health Administration. His nomination has been languishing on the calendar for 2½ months. I can't think of a worse time to have MSHA without a permanent Director than now. We have had a raft of coal mine deaths this year in West Virginia and Kentucky. With coal production up and coal prices up, it is a virtual certainty that more and more coal is going to be mined. Therefore, more and more miners will be involved in mining coal. We need a permanent Director of MSHA, and we need to pass the legislation I hope we will pass tomorrow.

I know there has been a hold on the MSHA Director nomination on the other side of the aisle. I have been told that there will be an objection yet again today. But I want to plead with those from the other side who may believe that this is not the perfect nominee—he is the nominee, nominated by the President, reported out of the HELP Committee. If he were to be drawn down and this whole process were to be started all over again, we wouldn't have an MSHA Director for months and months into the future. We need a permanent Director of the Mine Safety and Health Administration.

Bearing that in mind, I ask unanimous consent that the Senate now proceed to executive session for the consideration of Calendar No. 553, the nomination of Richard Stickler of West Virginia to be the Assistant Secretary of Labor for Mine Safety and Health; provided further that the nomination be confirmed, the motion to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate resume legislative session.

Before the Chair rules, as I have indicated already, let me say again, this nominee has been reported out of the HELP Committee. He has been on the calendar since March 8 of this year. MSHA is without a permanent Director, and I would hope that my unanimous consent request will not be objected to.

THE PRESIDING OFFICER. Is there objection?

Mr. BINGAMAN. Mr. President, on behalf of the Democratic leader, I have been requested to object, and I do object.

THE PRESIDING OFFICER. Objection is heard.

Mr. SESSIONS. Mr. President, if the Senator from Kentucky will yield for a question, just a few years ago, not long after 9/11, we had the Brookwood mine disaster in Alabama, where 13 miners lost their lives. Basically, like the firemen in New York, they were responding to help someone in need, another miner that they believed needed help in an emergency, and lost their lives in a rescue attempt. It was a very emotional time for me and the families and

the town. We were joined on that occasion at the Brookwood mine area by the Secretary of Labor, Elaine Chao. I want you to know how proud I was of her that night. She went over to the union hall.

She had to be up at 5 o'clock the next morning to catch a flight. But she stayed there almost 2 hours meeting and talking with the victims of that disaster. I was able to call just Friday several family members and others who were involved in that to tell them of the passage of this piece of legislation out of committee. They were very excited about it—a lawyer for the union official, families of people who were killed in that disaster. As the Senator said, the price of coal is up. The demand for energy is up. We are going to be doing more mining. This legislation will clearly be a step forward into making those mines safer. I thank him for those comments. I hope we can move rapidly.

Mr. McCONNELL. Mr. President, before yielding the floor, I thank my friend from Alabama. I hope this legislation will clear the Senate sometime tomorrow. I know people are working on both sides of the aisle to get it cleared. It should not be controversial. After all, it came out of committee unanimously. It is supported by the National Mining Association and the UMW. We need to get that bill passed.

I hope, also, we can get a permanent Director of MSHA. It is without a permanent Director at a very important time in the life and safety of our Nation's coal miners.

Mr. SESSIONS. Mr. President, I certainly agree with that. I just ask that when the Senator gets home tonight, he thank the Secretary of Labor for the good work she has given to the committee in helping us pass this legislation.

Mr. McCONNELL. Mr. President, I yield the floor.

COMPREHENSIVE IMMIGRATION REFORM ACT OF 2006—Continued

The PRESIDING OFFICER (Mr. CHAMBLISS.) The Senator from New Mexico is recognized.

Mr. BINGAMAN. Mr. President, I want to speak briefly this afternoon about two amendments that I intend to offer, and I hope can be favorably considered by the Senate before this bill is completed. The first will just take a moment. It relates to forestry workers.

This is amendment No. 4055. It would make H-2B guest workers who are invited here to work in our forestry sector eligible for limited legal aid. I believe this amendment should be non-controversial. Under current law, agricultural guest workers are eligible for legal aid with respect to employment rights provided for in their H-2A contract. This amendment would provide H-2B forestry workers with the same eligibility for legal aid. We have had hearings in our Energy Committee on the issue. We had a recent hearing

where we heard that making H-2B forestry workers eligible for legal aid is the single most effective thing Congress could do to address the problem of exploitation of forestry workers.

These guest workers have been asked to come to the United States because of a labor shortage that was certified by our Government. They are here legally. They pay U.S. taxes. Currently, the law prohibits legal-services-funded organizations from providing them with any legal aid to enforce their rights under their guest worker contract. The amendment would correct this issue, and I hope that this amendment can be adopted when it is appropriate to take action on it.

Mr. President, I also want to talk about another amendment which goes to the issue of the number of employment-based immigrant visas admitted each year—the number of employment-based immigrants that we admit each year under the current version of this immigration bill as it stands in the Senate today. Let me first describe the big picture as I see it, as far as people becoming legal permanent residents under our laws.

First, let me preface this entire discussion by saying that none of what I am talking about relates to the people who are here on an undocumented basis today. There are other provisions of the law that apply to them and that give them rights under this proposed legislation to adjust their status and become legal permanent residents at some stage down the road. So that is separate. I am not in any way talking about that. I know that has been a subject of great controversy in the Senate and in the Congress in general, but that is not the purpose of my proposed amendment.

When you talk about people who are not here illegally today, there are basically two major ways that a person can become a legal permanent resident under our immigration laws. The two ways are through the family-based visa program or through the employment-based visa program. This chart shows the numbers that have been admitted into the country up until the end of 2004 through the family-based and employment-based programs combined, under both of those. You can see that those two together—it comes out to somewhere around 800,000. That is a total annual figure I am talking about for people coming and getting legal permanent residency through both of those major avenues.

Now, this legislation we are talking about would, according to the Congressional Research Service, substantially increase those numbers. You can see that their projection—and this is an estimate because, in fact, we are eliminating some caps that have been in the law previously, and I will discuss that in a minute. But these estimates from the Congressional Research Service are that we will get closer to 2 million legal permanent residents that we are accepting each year under this legislation. So that is the overall picture.

The amendment I am talking about does not try to deal with this entire picture. It just looks at the employment-based legal permanent resident visas.

Let me go to a different chart in order to describe the concern I have. Current law says there is a cap of 140,000 persons, or 140,000 visas, that can be issued under the employment-based LPR categories of our laws. That has been the case now for some time—140,000 per year. This includes family. These are people who come here and seek legal permanent status in order to take work. But it also includes their families. Each member of the family, of course, uses a visa as well. So the total number of employees under this system, and family, spouse, and children, does not exceed 140,000. That is what the law currently provides.

Now, when Senators McCain and Kennedy—this is my understanding of the history, and I am sorry that neither Senators McCain or Kennedy are here so they could correct me in case I misstated anything, but my understanding is that they concluded that we needed to reform the law, and part of the reform that we should adopt was to clear out the backlog and make more room for additional immigration under this employment-based LPR system. I agree with that. Clearly, that is one of the purposes of this legislation and one of the effects of this legislation.

They set out to do this in several different ways. Let me mention the three main ways that they set out to do it. First of all, they said let's clear out the backlog. By that, it is meant in the legislation that any visa that was available to be issued in the last 5 years that was not issued because the immigration service could not get the processing done—that any of those visas would be once again made available. And the estimate we have from the Congressional Research Service is that there are about 140,000 of those.

So we are going back for the last 5 years and saying: OK, are there visas that should have been or could have been issued? Let's bring those forward and issue them and make them available again. Clearly, I support doing that.

They also said: OK, in order to help clear out the backlog, we need to encourage some groups to come here and exempt them from any of this cap. This idea that we only allow 140,000 people to come should not apply to people we are particularly interested in bringing to this country, for whatever reason. One idea is to allow students who come here to be exempted from the cap so they can remain here and become legal permanent residents—scientists, technicians, engineers, people with careers in mathematics. We need those people to create a strong economy. Let's allow them to come.

They said also let's eliminate some of these schedule A groups; that is, people who have specialty occupations we